

FEB 13 2015

SENATE RESOLUTION

REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO ASSEMBLE
VARIOUS STATE AND COMMUNITY ENTITIES TO DETERMINE WHICH
AGENCY OR ORGANIZATION SHOULD ADMINISTER FUNDING FOR CIVIL
LEGAL SERVICES TO LOW- AND MODERATE-INCOME INDIVIDUALS.

1 WHEREAS, civil legal services can improve community well-
2 being as a vital part of our social safety net which ensures
3 that our keiki, kupuna, family care givers, and all members of a
4 family are healthy and safe; and
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6 WHEREAS, "The 2007 Assessment of Civil Legal Needs and
7 Barriers of Low- and Moderate-Income People in Hawaii" found
8 that only one in five people have their civil legal needs
9 addressed and that only one in three people who contact a civil
10 legal service provider is able to get assistance; and
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12 WHEREAS, one of the goals set forth in "The Community Wide
13 Action Plan: Ten Action Steps to Increase Access to Justice in
14 Hawaii by 2010" was that an appropriate home for funding civil
15 legal services should be established to ensure stable state
16 funding; and
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18 WHEREAS, access to civil legal services by the indigent is
19 critical to providing access to justice for those who cannot
20 afford an attorney; and
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22 WHEREAS, access to civil legal services results in cost
23 savings to the State by way of recovery of federal public
24 benefits such as Social Security and Veterans Administration
25 benefits, reduction in use of safety net services such as foster
26 care by establishing guardianships for family caregivers,
27 reduction of dependency on public assistance by securing child
28 support and alimony, a decrease of instances of homelessness
29 through housing representation, and an increase in state tax
30 revenues through employment and re-employment related legal
31 assistance; and
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33 WHEREAS, civil legal services provide better access to the
34 justice system for the indigent, who are immigrants, homeless,



1 at risk of homelessness, families in crisis, consumers who have
2 been taken advantage of, and those who speak English as a second
3 language; and

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5 WHEREAS, civil legal services can support efforts to ensure
6 that government is providing effective services to help those
7 without an attorney navigate the complex legal system; and

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9 WHEREAS, for thirty years, funding for civil legal services
10 was provided through the Department of Labor and Industrial
11 Relations Office of Community Services; and

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13 WHEREAS, prior to 2005, general funding for civil legal
14 services was provided by way of a purchase of service contract;
15 since 2005, general funding for civil legal services has been
16 made by a grant-in-aid; and

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18 WHEREAS, since 1995, general funding for pro bono legal
19 services has been made by grants-in-aid; and

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21 WHEREAS, in 2011, the legislature increased court fees to
22 include an amount to be paid into the indigent legal assistance
23 fund pursuant to section 607-5.7, Hawaii Revised Statutes. The
24 legislature did so upon a finding that there was a need to fund
25 legal services for low- and moderate-income individuals who
26 would not otherwise have access to legal services; and

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28 WHEREAS, despite the increase in court fees to include an
29 amount to be paid into the indigent legal assistance fund, the
30 total amount of funding for general civil legal services
31 decreased from \$2,017,093 in the 2008 fiscal year to \$1,213,135
32 in the 2015 fiscal year; and

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34 WHEREAS, grant-in-aid funding for civil legal services and
35 pro bono legal services decreased from \$1,832,496 in the 2008
36 fiscal year to \$400,000 in the 2015 fiscal year; and

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38 WHEREAS, general revenue funding is critical to meet the
39 need for legal services in Hawaii, and the funding of legal
40 services can promote the resolution of critical community
41 issues; and



1 WHEREAS, there should be an examination of executive
2 agencies, the Judiciary, and community agencies to determine
3 which agency or organization should administer general funding
4 for civil legal services to obtain the best results; and
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6 WHEREAS, the examination should require:
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8 (1) The identification and assessment of the problems and
9 issues relating to the funding of civil legal
10 services, including the best agency or organization to
11 administer these funds; and
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13 (2) The involvement of all interested governmental and
14 community stakeholders to ensure that the
15 administration of these funds is workable and
16 acceptable to the interested stakeholders; now,
17 therefore,
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19 BE IT RESOLVED by the Senate of the Twenty-eighth
20 Legislature of the State of Hawaii, Regular Session of 2015,
21 that the Hawaii Access to Justice Commission is requested to
22 assemble a working group of interested government agencies and
23 community entities to conduct meetings to develop a plan for
24 determining which agency or organization should administer
25 funding for civil legal services; and
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27 BE IT FURTHER RESOLVED that the following persons or a
28 representative of the following persons, agencies, or
29 organizations be invited to participate in the working group:
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31 (1) The Governor;
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33 (2) The President of the Senate;
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35 (3) The Speaker of the House of Representatives;
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37 (4) The Judiciary;
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39 (5) The Attorney General;
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41 (6) The Department of Human Services;
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(7) The Department of Labor and Industrial Relations
Office of Community Services;

(8) The Department of Budget and Finance;

(9) The Department of Accounting and General Services;

(10) The Hawaii Justice Foundation;

(11) The Hawaii Access to Justice Commission;

(12) Legal Aid Society of Hawaii; and

(13) Volunteer Legal Services Hawaii; and

BE IT FURTHER RESOLVED that the plan include a history of state funding of civil legal services and the issues historically faced by civil legal service providers in providing service to low- and moderate-income individuals; and

BE IT FURTHER RESOLVED that the plan include an analysis of the benefits and barriers to assigning the administration of funding for civil legal services to the Judiciary, Department of the Attorney General, Department of Human Services, Department of Labor and Industrial Relations Office of Community Services, Department of Budget and Finance, Department of Accounting and General Services, and the Hawaii Justice Foundation; and

BE IT FURTHER RESOLVED that the plan include recommendations on which agency or organization should administer funding for civil legal services, levels of funding for civil legal services, and if enabling legislation is necessary, a proposal for such enabling legislation; and

BE IT FURTHER RESOLVED that the Hawaii Access to Justice Commission is requested to submit the working group's plan to the legislature no later than twenty days prior to the convening of the Regular Session of 2016; and

BE IT FURTHER RESOLVED that the working group be dissolved on June 30, 2016; and



1 BE IT FURTHER RESOLVED that certified copies of this
2 Resolution be transmitted to the Governor, President of the
3 Senate, Speaker of the House of Representatives, Chief Justice
4 of the Hawaii Supreme Court, Attorney General, Director of Human
5 Services, Executive Director of the Department of Labor and
6 Industrial Relations-Office of Community Services, Director of
7 Finance, Comptroller, Executive Director of the Hawaii Justice
8 Foundation, Chair of the Hawaii Access to Justice Commission,
9 Executive Director of the Legal Aid Society of Hawaii, and
10 Executive Director of Volunteer Legal Services of Hawaii.
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OFFERED BY:

